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Michigan. Legislature.

Laws establishing and  
relating to duties of State...

[S.I.]

[1881]

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STATE OF MICHIGAN.

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L A W S

ESTABLISHING AND RELATING TO DUTIES OF

STATE BOARD OF CORRECTIONS AND CHARITIES,

ALSO OF

STATE BOARDS, MAGISTRATES, COUNTY AGENTS AND OTHER OFFICERS  
AND BOARDS IN CONNECTION THEREWITH.

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STATE OF MICHIGAN.

LAWS

ESTABLISHING AND RELATING TO DUTIES OF

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AND BOARDS IN CONNECTION THEREWITH.

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## STATE OF MICHIGAN.

### LAWS ESTABLISHING AND RELATING TO DUTIES OF STATE BOARD OF CORRECTIONS AND CHARITIES.

AN ACT to provide for the appointment of the Board of Corrections and Charities, and defining their powers and duties.

[As amended by Session Laws 1878 and 1879, and as the Law stands July 1st, 1881.]

SECTION 1. *The People of the State of Michigan enact*, That the Governor, with the advice and consent of the senate, shall appoint four suitable persons, residents of the State, to be called and known as "The Board of Corrections and Charities," who shall hold their office respectively for the period of two, four, six years, and eight years, as indicated by the Governor in making the appointments; and all appointments thereafter made, except to fill vacancies, shall be for the period of eight years. The Governor shall be *Governor ex officio member of board.* Any vacancy occurring in said board, by reason of removal, resignation, or otherwise, shall be filled by the Governor, the appointment in any case thus made to be subject to ratification or rejection by the senate at the first regular session following such appointment. The Governor may remove *Removals.* any member of said Board for misfeasance or malfeasance in office.

SEC. 2. Before entering upon the discharge of their duties, each of the said commissioners shall take and subscribe before the Secretary of State, who shall file the same in his office, the constitutional oath of office. The said commissioners shall have power to appoint a secretary, not of their number, whose duties they may prescribe and whose salary they may establish and determine. *May appoint secretary and fix salary.*

SEC. 3. The said commissioners, by one of their number, or by their Secretary, shall, at least once in each year, visit and examine into the condition of each and every of the city and county poor-houses, county jails, or other places for the detention of criminals or witnesses; and the said Board, or a majority thereof, with their Secretary, shall, at least once in each year, visit and examine the reform school, State prison, Detroit house of correction, and State and county asylums for the insane, and the deaf, dumb, and blind, and for the purpose of ascertaining the actual condition of the

Right of access  
and to admit in-  
ter oaths.

Compensation.

Expenses.

How paid.

Proviso.

Members not  
interested in  
contracts.

Who not eligible  
as commissioner.

Reports to  
governor.

Recommendations.

Investigation of  
institutions.

institutions by them or by either of them visited, the method of instruction, government, or management therein pursued, the official conduct of the superintendents or other officers and employees in charge thereof, or connected therewith, the condition of the buildings, grounds, or other property thereunto belonging, and the facts as to all other matters in any manner pertaining to the usefulness and proper management of the institutions, poor-houses, and jails above named. They, or either of them, and their secretary, shall have free access thereto at any and all times, and shall have authority to administer oaths and examine any person or persons in any way connected with or having knowledge of the condition, management, and discipline of such institutions, jails, or poor-houses, as to any matters or inquiries not contrary to the purposes or provisions of this act.

SEC. 4. The said commissioners shall receive no compensation for their time or services, except as hereinafter particularly provided; but the actual expenses of each of them, while engaged in the performance of their duties under this act, and any actual outlay for stationery, office rent, or any necessary aid or assistance required in examinations or investigations, on being fully stated in account and verified by the affidavit of the commissioner or commissioners making the charge, or the affidavit of their Secretary, and approved by the Governor, shall be paid quarterly by the State Treasurer on the warrant of the Auditor General, out of any money in the treasury not otherwise appropriated; and the Secretary of said Board shall be paid in like manner: *Provided*, That the entire expense of said board of commission, and the salary and traveling expenses of their Secretary, shall not exceed the sum of five thousand dollars per annum, exclusive of the sum mentioned in section seven of this act.

SEC. 5. No member of said Board, or their Secretary, shall be either directly or indirectly interested in any contract for building, repairing, or furnishing any institution, poor-house, or jail which by this act they are authorized to visit and inspect; nor shall any officer of such institution, jail, or poor-house be eligible to the office of commissioner hereby created.

SEC. 6. On or before the first day of October, in the year eighteen hundred and seventy-two, and in each second year thereafter, the said board shall report in writing to the Governor, fully, the result of their investigations, together with such other information and recommendations as they may deem proper, including their opinions and conclusions as to the necessity of further legislation to improve the condition and extend the usefulness of the various State, county, and other institutions by them visited; and the said commissioners, or either of them, shall make any special investigation into alleged abuse in any of the institutions which by this act they are authorized to visit, whenever the Governor shall so direct, and report the result thereof to him at such reasonable time as he shall prescribe. And whenever any abusive treatment of those confined in any of said institutions shall come to the knowledge of said commissioners, which, in their opinion, requires immediate atten-

tion and redress, they shall forthwith report the facts of such abusive treatment to the Governor, with such recommendations for the correction of the same as they shall deem proper.

SEC. 7. And the said Board, in addition to the duties above prescribed, shall make a thorough examination of all the penal, criminal, or other laws of the State relating to the penal or reformatory institutions by them to be visited, or in anywise relating to the custody and punishment of criminals, and the care and confinement of the county poor and pauper insane, for the purpose of a revision of such laws by the legislature at the first regular session following the passage of this act; and to accomplish this end, said Board shall collect together all acts and parts of acts in any manner appertaining to the control, punishment, and reformation of criminals, and to the care and custody of the county poor and pauper insane, and shall report the same fully to the Governor, on or before November first, eighteen hundred and seventy-four, together with such revision, amendments, and suggestions for the improvement thereof as to such Board shall be deemed necessary and expedient; the report thus made to be submitted to the legislature by the Governor. The Secretary of State is hereby required to furnish said Board with so many copies of the statutes and laws as in the judgment of the Governor may be required in the accomplishment of said work. And said Board, for the time actually required in the discharge of the duty imposed by this section, shall be entitled to demand and receive such reasonable compensation as shall be approved by the Governor, not exceeding two thousand dollars, and which shall be paid in the manner heretofore provided for the payment of their actual traveling and other necessary expenses.

SEC. 8. Nothing in this act shall be construed as impairing the authority or interfering with the duties of the board of inspectors of the State prison, and the board of control of the reform school, or with the duties of the board of control, trustees, commissioners, or inspectors of any other charitable, penal, or reformatory institution of this State.

SEC. 9. Whenever the Governor shall deem it advisable and expedient to obtain information in respect to the condition and practicable workings of charitable, penal, pauper, and reformatory institutions in other States, he may authorize and designate any member of said Board, or the Secretary thereof, to visit such institutions in operation in other States, and by personal inspection to carefully observe and report to said Board on all such matters relating to the conduct and management thereof as may be deemed to be interesting, useful, and of value to be understood in the government and discipline of similar institutions in this State.

SEC. 10. The Governor may appoint one or more suitable females, who shall, in behalf of said Board, personally visit and inspect such of the aforesaid State or county institutions as said Board shall designate, and inquire into the condition and treatment of the inmates therein, and especially investigate the provision made for women, and children of tender years, with the method of instruc-

Examination of  
laws relating to  
institutions.

Collection  
and revision  
of laws.

Compensation  
of board.

Visiting of  
similar institu-  
tions for the pur-  
pose of gaining  
information.

tion, and the means used for their cure or reformation. Said female visitors shall receive no compensation for their time or services; but the actual traveling expenses of each of them, verified as heretofore provided for the accounts of members of this Board, and approved by the Governor, shall be paid in the same manner, and out of the moneys provided for the expenses of said Board. Said female visitors shall from time to time report to the Board the results of their investigation.

# AN ACT establishing a State agency for the care of juvenile offenders.

[Session Laws of 1873, p. 229, as amended by Act No. 57, Session Laws of 1876, p. 89.]

Appointment of agents in several counties.

Oath of office.

Notice of calling attention to agents.

Compensation.

Previous limit of compensation.

Court to certify agent of complaint against child.

SECTION 1. *The People of the State of Michigan enact*, That the Governor may appoint in each county of this State, an agent of the Board of State Commissioners for the general supervision of charitable, penal, pauper, and reformatory institutions, who shall hold his office at the pleasure of the Governor. Before entering upon the duties of his office, and within thirty days after receiving notice of his appointment, said agent shall take and file with the county clerk of the county for which he was appointed, the oath of office prescribed by the constitution of this State, and upon such qualification it shall be the duty of the county clerk to immediately transmit notice thereof to the circuit judge, the probate judge, each justice of the peace, and all other magistrates of the county having competent jurisdiction for the trial of juvenile offenders. Said agent shall receive no compensation for his time or services, but his actual expenses necessarily incurred while engaged in the performance of his duties under this act, on being fully stated in account and verified by the affidavit of the agent, together with the sum of three dollars in full for his services in each case investigated and reported upon as hereinafter prescribed, when approved by the Governor, shall be paid by the State Treasurer on the warrant of the Auditor General, out of any money in the treasury not otherwise appropriated: *Provided*, That the sum so allowed for the services of such agent in any county except the county of Wayne, shall not in any one year exceed the sum of one hundred dollars, and that in the county of Wayne the sum so allowed for such services shall not in any one year exceed the sum of two hundred dollars.

SEC. 2. Whenever a complaint is made or pending against any boy or girl under the age of sixteen years, for the commission of any offense not punishable by law with imprisonment for life, before any court or magistrate having competent jurisdiction thereof, it shall be the duty of such court or magistrate, before proceeding to hear or determine the case, to give notice in writing of the pendency thereof to said agent, who shall have opportunity allowed him to investigate the charge or charges; and upon receiving such notice, the agent shall immediately proceed to inquire

into and make a full examination of the parentage and surroundings of the child and of all the facts and circumstances of the case, and report the same to the court or magistrate, who shall advise and counsel with the said agent; and if upon such consultation after full investigation and proof of the offense charged, it shall appear to the court that the public interest and the interest of such child will be best subserved thereby, he may make an order for the return of such child to his or her parents, guardian, or friends; or he may authorize said agent, under the advice and approval of the judge of probate of the county, to take such child and bind him or her out to some suitable person until he or she shall have attained the age of twenty-one years, or for any less time; or if the child appear to be willfully wayward and unmanageable the court may cause him to be sent to the reform school, or to a house of correction authorized by law to receive such boy or girl, subject to such conditions of sex and age as are now provided by law for the reception of children in said school.

SEC. 3. Said agent shall, as often as once in each year, visit all children, resident in the county for which he is appointed, who shall have been indentured or placed in charge of any person therein by any State board or officer of the State, and shall inquire into the management, condition, and treatment of such children, and for that purpose may have private interviews with such children at any time; and if it shall come to the knowledge of such agent that any child thus placed in charge of any person as aforesaid, is neglected, abused, or improperly treated by the person having such child in charge, or that the person holding the child is unfit to have the care thereof, he shall report the fact to the board or officers of the institution by which such child was indentured, and such board or officers shall cancel the contract and cause the child to be returned to the institution from whence he or she was taken, or indentured to some other person, or to be discharged, in the discretion of the board or officers. In all contracts or indentures for binding out children from any State institution, the officers making the same shall expressly reserve the right to cancel the contract whenever in their judgment the interests of the child are not properly cared for.

SEC. 4. No child shall be indentured, adopted, or taken during minority, by any person not of kin thereto, from a State institution until notice of an application therefor has been given to the agent aforesaid residing in the county from which such application is made, and until his report in writing, made after an investigation into the propriety thereof, has been made and filed with the officers of such institution. And all applications for the release or discharge of any children so indentured or placed in charge of persons in such county, shall be given to said agent for his report in like manner.

SEC. 5. It shall be the duty of said agents, in their respective counties, to seek out suitable persons who are willing to adopt, take charge of, educate, and maintain children arrested for offenses, committed to any State institution, or abandoned and neglected

Agent to make examination of parentage, etc., and report to court.  
Court may order return of child to parents.

May authorize agent to bind out.

May cause to be sent to State public school, or house of correction or the reform school.

Agent to visit indentured children, etc., at least once a year.  
And inquire into treatment.

Report when child is neglected or abused.

Board to cancel contract.

In all indentures, etc., right to cancel to be reserved.

Proceedings when person not of kin wish to adopt, etc.

Relative to release of indentured children.

Agents to seek out suitable persons to adopt children.

To report to board.

Superintendent of reform school, etc., to certify agent of inmates of discharge.

Agent to assist child returned to county.

To keep history of child discharged, and report from time to time.

Application of act.

children in charge of any State institution or officers and to give notice thereof to the boards or officers having authority to dispose of such children. And said agents shall, from time to time, make report of their doing under this section, to the board of which they are the agents.

SEC. 6. It shall be the duty of the Superintendent of the Reform School and the principal officer of any State institution for the care or reformation of juvenile offenders now or hereafter to be established, upon the discharge of any boy or girl received therein, forthwith to notify the agent of the Board of State Commissioners for the general supervision of charitable, penal, pauper, and reformatory institutions residing in the county from which such child was sent, of such discharge; or if the boy or girl so discharged shall return to such county, the agent shall, as far as possible, assist him or her in procuring suitable employment and a good home free from immoral and evil influences. Said agent shall also keep a brief history of each child within his county discharged as aforesaid in a manner and form to be prescribed by the board of which he is agent, and report the same from time to time to said board as it may require, to the end that the effect of the treatment and discipline of the several institutions of the State for the care and reformation of juvenile delinquents upon their discharge therefrom may be better known and understood.

SEC. 7. This act shall not apply to any county of the State in which no agent shall be appointed by the Governor under and by virtue of the provisions hereof.

SEC. 8. This act shall take immediate effect.

Approved April 29, 1873.

NOTE 1.—The Board requires annual reports on 30th Sept. each year, with full statement of the year's work from Sept. 30 of preceding year. This report, in addition to information called for by blanks furnished, should contain such information as was furnished by report found on page 45 of the report of State Board of Corrections and Charities for 1870 and 1880. The quarterly reports to be made on Dec. 31, March 31, and June 30 of each year, are merely to keep the Board informed that agents are attentive to their duties, and for these quarterly reports no blanks are furnished. The attention of judges and magistrates is especially called to Sec. 2 of this act, making it their duty to give to county agents written notice of the arrest of juvenile offenders before trial.

NOTE 2.—All accounts must be made out against the State of Michigan; must carefully state all the items; must embrace the entire fiscal year from January 1st to December 31st inclusive; must be verified by the oath of the agent, and must not for entire fees for the year exceed \$100 in any county except Wayne, and for that county must not exceed \$200.

#### FEES OF AGENTS, AND HOW PAID.

1. Actual expenses necessarily incurred while engaged in performance of duties required by the act.

2. *Three dollars in full* for each case investigated and reported upon as required by the act.

This will include investigations and reports made:—

1. To courts and magistrates;

2. To superintendents of State institutions, of visits made on written request of such officers;

3. To Governor and to Board of Corrections and Charities of visits made on written request of such officers;

4. To Board of Correction and Charities in annual report, of one visit to each boy and girl bound out by a State institution in the county.

Accounts made out as above must be sent to the Governor, at Lansing, for approval, and if found correct and approved the Auditor General will remit the amount to agents.

#### INSTITUTIONS AND OFFICERS required to report to State Board of Corrections and Charities.

[Session Laws of 1877, Act No. 194, Sec. 45, p. 224.]

SEC. 45. The superintendents of the poor of each county in the State shall transmit to the Secretary of the Board of State Charities, on the first day of July in the year eighteen hundred and seventy-seven, the name and age of each insane person in the poor-house of the county or elsewhere, receiving county aid in any form. Every county, city, or town officer to whom application for aid in behalf of any insane person shall be made after the date before mentioned, shall at once report the name and age of such insane person to the Secretary of the Board of State Charities. The medical superintendents of the asylum shall report quarterly to the Secretary of the Board of State Charities the name and age of all patients supported at State or county charge. After the date above mentioned all the officers named in this section shall report to the Secretary of the Board of State Charities the date and circumstances attending the discharge, removal, elopement or death of all insane persons receiving aid or supported at county or State charge. The Board of State Charities shall provide for the careful registry by their Secretary of all facts communicated in compliance with the requirements of this section.

Superintendents of the poor, etc., to report to secretary of board of State charities.

#### DUTY OF CIRCUIT JUDGES to examine jails annually and file written report.

[Compiled Laws of 1871, Sec. 8023, 8024, 8025, and 8030, as amended by Session Laws of 1875, p. 179.]

(8033.) SEC. 16. In each county of this State the judge of the circuit court, together with the county superintendents of the poor, shall be inspectors of the jails respectively.

(8034.) SEC. 17. Such inspectors shall have power, from time to time, to visit and inspect the common jail and other county prisons, if there be any, in their respective counties, and to examine and inquire into all matters connected with the government, discipline, and police of such prisons.

(8035.) SEC. 18. It shall be the duty of such inspectors to visit and inspect the said prisons, in the month of May and also in the month of November, in every year, and at the next circuit court which shall thereafter be held in their county, to present to such

Inspectors of the jails.

Power of inspectors.

Inspectors, when to visit and inspect prisons, and report their condition.



court, on the first day of its sitting, a detailed report of the condition of such prisons at the time of such inspection.

(8036.) SEC. 19. Such report shall state the number of persons confined in such prisons for the six months immediately preceding such inspection, and for what causes, respectively; the manner in which the convicts confined in such prison during that period have been employed; the number of prisoners usually confined in one room; the distinction, if any, usually observed in the treatment of persons detained in such prisons; the evils, if any, found to exist in such prisons; and particularly whether any of the provisions of this chapter have been violated or neglected, and the causes of such violation or neglect.

NOTE.—The circuit judges are respectfully requested to cause a copy of each semi-annual report of examination of the jail of the respective counties in their circuit, made under the provisions of above sections, to be sent to the Secretary of State Board of Corrections and Charities, at Lansing, as soon after such report is made as may be, as such reports will materially aid this Board in the performance of its duties.

#### DUTY OF State Boards of Charitable, Penal, and Reformatory Institutions to submit plans, estimates, etc., to State Board of Corrections and Charities, etc.

[Session Laws of 1881, Act No. 206, Secs. 6 and 7, p. 249.]

SEC. 6. The boards of State institutions shall, in their biennial reports, recommend what amounts, in its opinion, is needed for the next two years for ordinary current expenses and for special purposes by the institution so reporting, with the reasons for such recommendations. That the boards of charitable, penal, and reformatory institutions, before determining on such proposed recommendations, shall submit the same in writing to the Board of Corrections and Charities for its opinion thereon, which last named board shall visit such State institutions in the month of July, August, or September of the year when such report is made and investigate the condition and needs of the same, consider the proposed appropriations and shall make a speedy report in writing to the board of the institution examined, giving its opinion of the proposed appropriations, and the board of such institution shall, in its biennial report, show to what extent, in the opinion of said Board of Corrections and Charities, such appropriations should be made.

SEC. 7. That before the board of any charitable, penal, or reformatory institution shall determine on the plan of any building for school purposes, living rooms, work rooms, or sleeping rooms for inmates, or on any system of sewerage, ventilation or heating, which have been authorized by the legislature to be constructed, such plans shall be submitted to the Board of Corrections and Charities and the State Board of Health for examination and opinion thereon; and the board so submitting such plans shall, in its biennial report, show to what extent they were approved by the boards so examining them. That it shall be the duty of said State Boards to visit said penal, charitable, and reformatory institutions, when necessary,

Report, with  
to contain.

Board to re com-  
mend amounts  
of appropriate  
needed.

Recommendation  
to be submitted  
to the board  
of corrections  
and charities.

Board to visit  
institution.

Plans for buildings  
to be submitted.

to make the examinations herein required, and their official expenses necessarily incurred shall be audited by the Board of State Auditors and paid from the general fund.

#### AN ACT to provide for the medical and surgical treatment of dependent children at the hospital of the Michigan University.

[Act No. 198, Session Laws of 1881, p. 123.]

SECTION 1. *The People of the State of Michigan enact*, That any dependent children who are or who shall hereafter be inmates of the State public school at Coldwater, and those who are not inmates of said institution, but who, if not affected by disease or requiring surgical treatment, would be entitled by the laws of this State to admission to said institution, who may be suffering from chronic disease, or who may need surgical treatment for any cause which is calculated to disable them in whole or in part from self-support, shall be entitled to and shall receive medical and surgical treatment, or either, together with board, lodging, nursing, and other proper care, free of charge, at the hospital established in connection with the Michigan University at Ann Arbor, under the general rules and regulations thereof.

SEC. 2. The admissibility of applicants under this act for such gratuitous treatment, if not inmates of said State public school, shall be determined and certified in the same manner as their admissibility is now determined and certified to the said State public school; and in case of dependent children who are or may be inmates of the said State public school, it shall be determined and certified by the superintendent thereof.

SEC. 3. The expenses of conveying said dependent children, whether inmates of the State public school or the other class herein named, to and from said hospital, and their board and nursing and other care in said hospital, shall be paid out of the appropriation provided by this act: *Provided*, That such transportation expenses shall not include the expenses or services of any person accompanying the child to and from said hospital.

SEC. 4. Before any such dependent child shall be sent to such hospital for treatment, a description of the case by the physician of said institution, with his opinion thereon, or if the child is not an inmate of said institution, then a description of the case by the county physician, where there is one, and if there is no such county physician, a description of the case by some practicing physician with his opinion thereon, shall be sent to the physician in charge of said hospital: *Provided*, That no such dependent child shall be sent to or received into said hospital unless in the judgment of the physician in charge thereof, there is a reasonable chance for him to be benefited by the proposed medical or surgical treatment.

SEC. 5. No physician, surgeon, or employé connected with said hospital shall receive any extra compensation by reason of aiding in

Dependent  
children to be  
admitted to hos-  
pital at the uni-  
versity.

Certificate.

Expenses,  
how paid.

Physician.  
Description of  
case to be sent  
to physician in  
charge of hos-  
pital.

Provided.

Physician not to  
receive pay.

Expenses of  
transportation,  
how paid.

the medical or surgical treatment, or the board, nursing, or other care of said children.

SEC. 6. The actual expenses for the transporting of dependent children to and from said hospital as provided in this act, and the board, nursing, and other care for said children while in said hospital, not exceeding the amount charged other children, patients in said hospital, shall be audited by the Board of State Auditors, and paid out of any money in the State treasury not otherwise appropriated. The Treasurer of the Board of Control of the State public school shall present all accounts for the transportation of children to and from said institution and said hospital, and shall receive payment thereon; the county treasurer of the proper county shall present such accounts and receive payment thereon for children sent from such county; and the treasurer of said University shall present the accounts for the board and nursing of said children, and shall receive pay thereon; all which accounts shall be verified as required by said Board of State Auditors.

Approved May 11, 1881.

#### AN ACT to provide for the protection of children.

[Sections 3 and 4, Act No. 260, Session Laws 1881, p. 367.]

Children in jails  
not to be kept  
with adults.

SEC. 3. No child under sixteen years of age held for trial, or on conviction in any jail or other place of confinement, shall be placed or allowed to remain in the same cell or room in company with adult prisoners. It shall be the duty of the officer in charge of such place of confinement, to secure as far as the construction of such place will admit, the exclusion of such children from the society of such adult prisoners during their confinement.

Children not to  
be kept in poor-  
houses, &c.

SEC. 4. That on and after January first, eighteen hundred and eighty-two, it shall not be lawful to place or maintain in any county poor-house any child who by law is admissible to the State public school. That whenever, after that date, there shall be in any county poor-house, any such children who cannot be received in said school for the reason there shall be then no room for them, it shall be the duty of the superintendents of the poor of such county, to place and maintain such children, at the expense of such county, in some suitable family or charitable institution until they can be received in said school: *Provided*, That nothing in this act shall prevent any county from maintaining and educating such children in a building separate from the county poor-house, devoted to the sole use of children of sound mind and body, and cared for by other than pauper labor: *And provided further*, That no child under the age of two years shall be separated from its mother, if such mother shall be an inmate of such county house: *And provided further*, That no child under the age of four years shall be separated from the mother, if such mother shall be an inmate of such county house, without the consent of the mother.

Proviso

Proviso

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END OF  
TITLE